

REMARKS

In response to the Final Office Action mailed on February 20, 2007 (hereinafter, the "Final Action"), Applicants hereby respectfully request continued examination in accordance with 37 C.F.R. §1.114.

Applicants thank Examiner Buchanan for meeting with the undersigned attorney on May 7, 2007 in the offices of the U.S. Patent and Trademark Office to discuss the pending claims in view of the Final Action. Although agreement was not reached, the Examiner pointed out several areas of interest for consideration that may include patentable subject matter.

I. Status of the Application

Claims **1, 13, 16-18, 27, 30, 33, 35 and 45** have been amended, and claims **50-56** have been added in this Amendment and Response. Claims **2, 15, 19, 25, 26, 31, 32, 34, 42, 43, 46 and 47** have been cancelled without prejudice.

After entry of this Amendment, which is respectfully requested, claims **1, 3-14, 16-18, 20-24, 27-30, 33, 35-41, 44, 45, and 48-56** will be pending. Of these, claims **1, 30, 33, 35 and 45** are independent. No new matter is believed to be introduced by this amendment.

II. The Final Office Action

Claims **1, 3-24, 27-30, 33 and 35-39** stand rejected under 35 U.S.C. §103(a) as being unpatentable over Brockman et al, U.S. Patent No. 5,826,240, alone (hereinafter "Brockman").

Claim **1** has been amended, and now includes the limitation of *analyzing the verbal response... to at least determine a tone of the verbal response; and categorizing, based on the analysis, the verbal response into at least one pre-established customer response category*. Support for such changes can be found, for example, on page 17, line 26 to page 18, line 12; and on page 20, line 29 to page 21, line 13. No new matter has been added.

Brockman describes prompting a seller to record data about a prospect and the prospect's needs, and then using that information at a later date to manage follow-up contacts with the prospect if the prospect does not purchase a vehicle (see col. 3, lines 29-48). But Brockman fails to teach or suggest analyzing a verbal response to at least determine a tone of the verbal response. Furthermore, Brockman fails to teach or suggest categorizing, based on the analysis, the verbal response into at least one pre-established customer response category, as required by claim 1. Accordingly, we submit that claim 1 is patentably distinct from Brockman, and request withdrawal of the 35 U.S.C. §103(a) rejection. Claims 3-14, 16-18, 20-24, 27-29, 36-39, 50 and 51 all directly or indirectly depend on claim 1, and thus these dependent claims should also be allowable for at least the same reasons.

Independent claim 30 has been amended in a manner similar to claim 1, and includes the elements of: analyzing the customer response to at least determine a tone of the customer response, and categorizing, based on the analysis, the verbal response into at least one pre-established customer response category. Thus, we submit that claim 30 is patentably distinct from Brockman for at least the same reasons as claim 1. In addition, claims 40, 52 and 53 should also be allowable because each of these claims depends on claim 30. Accordingly, we respectfully request withdrawal of the 35 U.S.C. §103(a) rejections of claims 30, 40, 52 and 53.

Independent claim 33 has been amended, and is directed to a medium storing instructions adapted to be executed by a processor to perform a method for conducting a survey that includes identifying an attendant, and then identifying a survey question based at least in part on customer information and the identity of the attendant. In addition, claim 33 requires that the response received in answer to the survey question be analyzed to at least determine a tone of the verbal response. We submit that Brockman fails to teach or suggest such operation. Thus, Applicants respectfully request withdrawal of the 35 U.S.C. §103(a) rejections of claim 33, and of dependent claims 41 and 54.

Independent claim 35 has also been amended, and includes the element of: analyzing the verbal response to determine a tone of the response and to determine, based at least in part on the tone, if a remediation response is required. The method also

includes *instructing the attendant to perform the remediation response* if it is determined that such a response is required. We submit that Brockman fails to teach or suggest such operation. Accordingly, claim **35** and dependent claim **44** are patentably distinct from Brockman, and thus we respectfully request withdrawal of the 35 U.S.C. §103(a) rejections of claims **35 and 44**.

Independent claim **45** has also been amended in a manner similar to claim **1**, and includes the elements of: *analyzing the verbal response to at least determine a tone of the customer response*, and *categorizing*, (based on the analysis), *the verbal response into at least one pre-established customer response category*. Thus, we submit that claim **45** is patentably distinct from Brockman for at least the same reasons explained above with regard to claim **1**. In addition, claims **48, 49, 55 and 56** should also be allowable because each of these claims depends on claim **45**. Accordingly, we respectfully request withdrawal of the 35 U.S.C. §103(a) rejections of claims **45, 48, 55 and 56**.

In summary, at least for these reasons set forth above, Applicants respectfully request withdrawal of all of the 35 U.S.C. §103(a) rejections, and allowance of the pending claims **1, 3-14, 16-18, 20-24, 27-30, 33, 35-41, 44, 45, and 48-56**.

III. The New Claims

New claims **50-56** are believed to be patentable over the cited reference at least for the reasons otherwise presented herein. In addition, Brockman fails to teach, suggest, or render obvious, at least:

(i) *selecting an attendant response based at least in part on the customer response category and the identity of the attendant; and*

prompting the attendant to present the selected attendant response. (claims **50, 52, 54, 55**); or

(ii) *wherein the at least one pre-established customer response category comprises one of a plurality of merchant-defined categories* (claims **51, 53 and 56**).

IV. Conclusion

At least for the foregoing reasons, it is submitted that all pending claims are now in condition for allowance, and the Examiner's early re-examination and reconsideration are respectfully requested.

Alternatively, if there remain any questions regarding the present application or the cited reference, the Examiner is cordially requested to contact Stephan Filipek at telephone number 203-461-7252 or via e-mail at sfilipek@walkerdigital.com, at the Examiner's convenience.

V. Petition for Extension of Time to Respond and Fees

Applicants hereby petition for a one-month extension of time with which to respond to the Final Action. Please charge the fee for this petition to our Deposit Account No. 50-0271, along with the fees pursuant to 37 C.F.R. 1.17(e) for this request for continued examination, and to cover any fees that may be required to cover costs associated with filing additional claims in excess of those already paid for.

Applicants do not believe that any other fees are due. But if a fee should be necessary to continue prosecution of the present application, please charge any such required fee to our Deposit Account No. 50-0271, and credit any overpayment to Deposit Account No. 50-0271.

Respectfully submitted,

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Date

/Stephan J. Filipek, Reg. No. 33,384/
Stephan J. Filipek
Attorney for Applicants
Registration No. 33,384
Walker Digital, LLC
sfilipek@walkerdigital.com
(203) 461-7252 /voice
(203) 461-7300 /fax